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VXN GROUP LLC; STRIKE 3 HOLDINGS, LLC;

GENERAL MEDIA SYSTEMS, LLC; and

MIKE MILLER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MACKENZIE ANNE THOMA, a.k.a. KENZIE ANNE, an individual and on behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware limited liability company; STRIKE 3 HOLDINGS, LLC, a Delaware limited liability company; GENERAL MEDIA SYSTEMS, LLC, a Delaware limited liability company; MIKE MILLER, an individual; and DOES 1 to 100, inclusive,

Defendants.

Case No. 2:23-CV-04901-WLH-AGR

**SUPPLEMENTAL DECLARATION OF
BELEN BURDITTE IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION TO REMAND
ACTION TO STATE COURT**

Date: August 25, 2023

Time: 1:00 p.m.

Courtroom: 9B

[Removed from Los Angeles County
Superior Court Case No. 23STCB08761]

SUPPLEMENTAL DECLARATION OF BELEN BURDITTE

I, Belen Burditte, declare and state as follows:

1. I am over the age of eighteen years and am fully competent to make this declaration. I have personal knowledge of the facts contained in this declaration, and if called as a witness, I could and would testify to their accuracy.

2. I am the Production Accountant for VXN Group, LLC ("VXN"). I have been employed in this position since VXN began doing business in California in January 2020. I have been a Production Accountant in the film industry for over 20 years and have worked both in the mainstream film industry as well as the adult film industry. In that capacity, I have access to payroll and employment/personnel records of actors engaged by VXN to perform in its films, including Plaintiff Mackenzie Anne Thoma ("Plaintiff") and others who have worked in California, which are kept in VXN's enterprise resource planning systems, SAGE 100 and QuickBooks, in the ordinary course of business. I have reviewed the payment records corresponding with Plaintiff and all other actors who have performed services for VXN from January 7, 2020, to May 8, 2023.

2. SAGE 100 is a software program that handles a wide range of business functions, including tools for accounts payable, and payroll. SAGE 100 also provides comprehensive reporting and data analysis tools. VXN has used SAGE 100 in this manner since June 1, 2020. Prior to June 1, 2020, VXN employed QuickBooks for these same purposes.

3. In order to generate the data points referenced in my prior Declaration in Support of Defendants' Notice of Removal, VXN accounting staff obtained actor payment data from our SAGE 100 systems and aggregated it with actor payment data from our QuickBooks backup files (collectively, the "Actor Payment Data").

4. The Actor Payment Data includes:

(i) all payments made to actors in connection with VXN's films from January 7, 2020 until May 8, 2023;

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- (ii) the date of such payments;
(iii) the films associated with the payments;
(iv) the names of actors to whom the payments were made;
(v) the converted hourly rate (based on an 8-hour workday) for each payment;
and
(vi) the converted overtime rates for each payment.

5. Based on my review of the Actor Payment Data from January 7, 2020 until May 8, 2023:

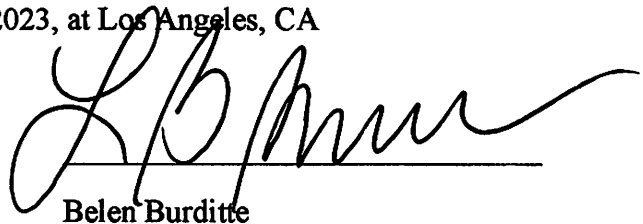
- a. There was a total of 1,728 separate actor engagements across Type-I and Type-II films.
b. Actors are paid on a per-film basis. For each individual performer, the per-film rate is variable from film to film.

6. Based on my review of Actor Payment Data, from April 20, 2020, to May 8, 2023:

- a. There was a total of 1,605 separate actor engagements across Type-I and Type-II films.
b. Actors are paid on a per-film basis. For each individual performer, the per-film rate is variable from film to film.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 28th day of July, 2023, at Los Angeles, CA



Belen Burditte